

Message Text

CONFIDENTIAL POSS DUPE

PAGE 01 USUN N 03734 152206Z

22

ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

OIC-02 FEA-01 ACDA-07 AGR-05 AID-05 CEA-01 CEQ-01

CG-00 CIAE-00 CIEP-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-06 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 SAL-01 AGRE-00

/160 W

----- 130943

R 152105Z SEP 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 9160

INFO CINCPACREPGUAM/TTPI

C O N F I D E N T I A L USUN 3734

DEPT PASS TO OMSN

CINCPACREPGUAM FOR STATUS UNO, SAIPAN

FROM US DEL LOS

E.O. 11652: GDS

TAGS: PLOS, PFOR, TQUN

SUBJECT: LOS: CONSULTATIONS WITH MICRONESIAN DELEGATION

REF: USUN 3657

1) A FOLLOW-UP TO THE MEETING REPORTED IN REFTEL WAS
HELD ON MONDAY, 14 SEPTEMBER AT 10:30 A.M., IN THE LOS
OFFICES IN NEW YORK, WITH THE MICRONESIAN DELEGATION TO
THE LAW OF THE SEA CONFERENCE. IN ATTENDANCE ON THE U.S.
SIDE WERE BARNARD OXMAN, VICE-CHAIRMAN, U.S. DELEGATION;

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USUN N 03734 152206Z

MARY TRENT, OMSN; GERARD DALTON, DOE/OES/OFA; AND
BRIAN HOYLE, COMMERCE. THE MICRONESIAN SIDE WAS REPRESENTED

BY FRED WYLE, CHARLES DOMNICK, ANDON AMARAICH, AND MR. MOSES.
MR. WYLE RIETERATED THE CASE FOR MICRONESIAN SIGNATURE
OF AN LOS TREATY AND MR. OXMAN AGAIN STATED THE U.S. POSI-
TION IS THAT ONLY STATES MAY SIGN THE TREATY, DISCUSSION
CONFIRMED MICRONESIAN DEISRE FOR CONTROL OF RESOURCES
AND DUMPING IN ECONOMIC ZONE; THEY DID NOT FORE-
CLOSE ACHIEVING THIS BILATERALLY WITH U.S. RATHER
THAN THROUGH LOS TREATY.

2) THE DISCUSSION OPENED WITH MR. WYLE AGAIN STATING
THAT MICRONESIA SHOULD BE CONSIDERED A STATE FOR PURPOSES
OF SIGNING THE LOS TREATY AND THAT THIS POSITION WAS
JUSTIFIED BECAUSE MICRONESIA'S SOVEREIGNTY RESTS WITHIN
ITS PEOPLE AND THE U.S. AS SDMINISTRATOR OF THE TRUST
HAS AN OBLIGATION TO TURN OVER WHATEVER POLITICAL POWER
THE MICRONESIANS ARE READY FOR AS RAPIDLY AS POSSIBLE.
THE OBJECTIVES OF SIGNATURE WOULD BE TO SECURE MARINE
RESOURCE RIGHTS AND TO OBTAIN THOSE SPECIAL ADVANTAGES
FOR DEVELOPING COASTAL STATES WHICH MR. WYLE PERCEIVES AS
GRANTED IN ARTICLES 51.3, 51.4(A), 53, 59.1, 59.2,
107.1(A), 118 AND 121 OF PART II OF THE RSNT.

3) MR. WYLE AND MS. TRENT THEN ENGAGED IN A LENGTHY DIS-
CUSSION OF EXACTLY WHERE THE STATUS NEGOTIATIONS STAND.
IN RESPONSE TO A SPECIFIC QUESTION AS TO WHAT IS TO HAPPEN
TO THE DRAFT COMPACT, MR. WYLE EXPLAINED THAT THE JOINT
COMMITTEE OF THE MICRONESIAN CONGRESS FOR STATUS NEGOTIA-
TIONS EXPIRED ON 2 JUNE, THAT THERE WAS NOW A COMMISSION
WHOSE MANDATE IS TO REDRAFT THE COMPACT TO BRING IT INTO
LINE WITH THE MICRONESIAN CONSTITUION. MR. WYLE FURTHER
STATED THAT IN ADDITION TO ANY CONSTITUTIONAL CONFLICT,
THE MAJOR ISSUE OF LOS MATTERS WOULD ALSO NEED TO BE
SETTLED. HE ALSO SAID THAT U.S. REPS HAVE BEEN TREATING
DRAFT AS IF IT WERE FINAL, AND IT IS NOT. IN HIS
OPINION, FREE ASSOCIATION AND INDEPENDENCE ARE NOT THE
ONLY POSSIBILITIES, BUT THAT WHATEVER THE SOLUTION, THE
REAL PROBLEMS, I.E., CONTROL OF RESOURCES, MUST BE SOLVED.

4) MR. OXMAN STATED THAT ALTHOUGH MAIN ISSUE IS RESOURCES,
CONFIDENTIAL
CONFIDENTIAL

PAGE 03 USUN N 03734 152206Z

THE U.S. CANNOT BIND ITSELF TO RESPECT A POSITION ON RESOURCE
JURISDICTION IT BELIEVES IS CONTRARY TO INTERNATIONAL
LAW. MR. OXMAN FURTHER POINTED OUT THAT IN TALKING OF
SIGNING THE LOS TREATY WITH VAST POLITICAL AND MILITARY
ELEMENTS, THE MICRONESIANS WERE GOING FAR BEYOND THE MERE
RESOURCE QUESTIONS.

5) IN RESPONSE TO A SPECIFIC QUESTION, MR. WYLE SAID THAT
MICORNESIA HAD NOT FORECLOSED THE POSSIBILITY THAT AN
ACCEPTABLE STATUS COMPACT COULD BE DEVELOPED THAT WOULD

PRECLUDE THE NECESSITY FOR MICRONESIA TO SIGN THE LOS TREATY. HE SAID, HOWEVER, THAT THE NEGOTIATING HISTORY TO DATE DID NOT MAKE THAT A VERY BRIGHT PROSPECT.

6) AT THE CONCLUSION OF THE MEETING, MR. OXMAN SAID THAT IF MR. WYLE'S PROJECTIONS OF AN OCEANIA/JAPANESE NEGOTIATING SITUATION OVER TUNA DEVELOPING SOON ARE TRUE, THEN THIS PRACTICAL PROBLEM MUST BE FACED EVEN ABSENT THE RESOLUTION OF PRINCIPLES.

7) THE MEETING CONCLUDED WITH THE U.S. INDICATING THAT UPON CONCLUSION OF THIS SESSION OF THE LOS, AN ATTEMPT WILL BE MADE IN WASHINGTON TO ENSURE THAT ALL ELEMENTS OF THE MICRONESIAN SITUATION ARE CONSIDERED TOGETHER.
SCRANTON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, DIPLOMATIC DISCUSSIONS, MEETING DELEGATIONS, POLITICAL SUMMARIES
Control Number: n/a
Copy: SINGLE
Draft Date: 15 SEP 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: coburnhl
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN03734
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760349-0569
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760955/aaaabvmk.tel
Line Count: 131
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION DLOS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 USUN NEW YORK 3657
Review Action: RELEASED, APPROVED
Review Authority: coburnhl
Review Comment: n/a
Review Content Flags:
Review Date: 19 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <19 MAY 2004 by woolflhd>; APPROVED <15 SEP 2004 by coburnhl>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOS: CONSULTATIONS WITH MICRONESIAN DELEGATION
TAGS: PLOS, PFOR, TQ, UN
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006